

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TYRONE ROLLE,

Petitioner,

-against-

**MEMORANDUM & ORDER**  
**05-CV-591 (NGG)**

CALVIN WEST, Superintendent, Elmira  
Correctional Facility

Respondent.

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GARAUFIS, United States District Judge.

By Memorandum & Order dated July 17, 2006, this court held Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 equitably tolled for the period from April 15, 2005 through July 17, 2006. The petition was also stayed at that time and held in abeyance to allow the Petitioner to exhaust his ineffective assistance of counsel claim. The Petitioner was directed to inform the court of the decision by the New York Appellate Division on his petition for a writ of error *coram nobis*.

By letter dated August 2, 2006, filed with this court on August 9, 2006, the Petitioner informed this court that his ineffective assistance of counsel claim had been exhausted. He attached to his letter a copy of the decision and orders of the Appellate Division and the New York Court of Appeals denying his *coram nobis* petition. (See Docket Entry No. 12).

As the Petitioner has now exhausted his claims, his habeas petition is ready to be decided by this court. The Respondent is therefore directed to respond to the Petitioner's petition for a

writ of habeas corpus. Within sixty (60) days of receipt of this order, the Respondent shall serve a copy of its response on the Petitioner and file the original with proof of service with the Clerk of Court. If the transcript of the trial is available, and if copies of Petitioner's and the District Attorney's briefs on appeal or in connection with proceedings pursuant to C.P.L. § 440 are available, Respondent shall submit such records to the Court at the time of filing its response.

Petitioner is granted thirty (30) days from receipt of Respondent's response to file a reply, if any, with this court.

The Clerk of Court is directed to mail a copy of this M&O to the pro se Petitioner.

SO ORDERED.

Date: August 30, 2006  
Brooklyn, New York

/s/  
Nicholas G. Garaufis  
United States District Judge